

Message Text

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PAGE 01 PARIS 09995 231833Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 USIA-06
TRSE-00 SOE-02 DOE-15 CIAE-00 COME-00 ABF-01 L-03
/048 W

-----106753 231845Z /50

P 231821Z MAR 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 9049

C O N F I D E N T I A L PARIS 09995

USOECD

EXCON

E.O. 11652: XGDS1
TAGS: ESTC, COCOM, AINF
SUBJ: GAO COCOM REVIEW

REFS: A. STATE 66447; B. BEACHNER-ROOT 3/17/78
TELECON

1. MISSION UNDERSTANDS FROM REFERENCED BEACHNER-ROOT TELECON THAT DEPARTMENT IS RECONSIDERING HOW TO HANDLE REQUEST FROM THE GAO FOR COCOM DOCUMENT SUB-C CONTR (76)1-B (MENTIONED REF A) AND OTHER POSSIBLE GAO REQUESTS FOR ACCESS TO OTHER COCOM DOCUMENTS. THE MISSION WOULD LIKE TO MAKE THE FOLLOWING OBSERVATIONS ON THE PROCEDURE OUTLINED IN REF A WHICH MAY BE USEFUL TO THE DEPARTMENT IN THIS REGARD.

2. THE DEPARTMENT IS IN A MUCH BETTER POSITION THAN THE MISSION TO DETERMINE ITS LEGAL REQUIREMENTS TO PROVIDE THE GAO ACCESS TO SPECIFIC CLASSIFIED DOCUMENTS OF AN INTERNATIONAL ORGANIZATION SUCH AS COCOM. HOWEVER, WE HAVE BEEN TOLD INFORMALLY BY CONFIDENTIAL

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USNATO THAT NORMALLY ATTEMPTS ARE MADE TO HIGHLY RESTRICT THE GAO'S ACCESS TO NATO DOCUMENTS. WE ALSO NOTE THAT IN 1974 WHEN THE GAO REVIEWED COCOM AS PART OF A BROADER STUDY ON EAST-WEST TRADE, USDEL WAS INSTRUCTED TO PROVIDE THE GAO ONLY WITH USG-INITIATED DOCUMENTS. (SEE (74) STATE 180221; (74) PARIS 22399; AND (74) STATE 197683.)

3. IF THE DEPARTMENT DETERMINES THAT IT IS OBLIGED TO PROVIDE GAO ACCESS TO SPECIFIC COCOM DOCUMENTS FOR REVIEW ON A CONFIDENTIAL BASIS, THE MISSION QUESTIONS WHETHER IT WOULD BE APPROPRIATE, AND IN THE U.S. INTEREST, TO REQUEST AUTHORIZATION OF COCOM. THE MISSION IS AWARE OF ONLY TWO INSTANCES IN THE PAST IN WHICH MEMBER GOVERNMENTS HAVE SOUGHT THE COMMITTEE'S APPROVAL FOR THE RELEASE OF COCOM DOCUMENTS. IN BOTH CASES (ONE INVOLVING THE US AND THE OTHER, WEST GERMANY) SUCH REQUESTS WERE MADE IN RESPONSE TO COURT DECREES REQUIRING THE RELEASE, I.E. THE POSSIBLE DECLASSIFICATION, OF THE DOCUMENTS FOR USE AS EVIDENCE IN LITIGATION BEFORE NATIONAL COURTS. THE PRESENT SITUATION INVOLVING THE GAO IS OF COURSE VERY DIFFERENT SINCE THERE IS NO QUESTION OF DECLASSIFYING ANY DOCUMENTS.

4. SINCE ITS ESTABLISHMENT, COCOM HAS BEEN CONCERNED ABOUT THE CONFIDENTIALITY OF ITS INFORMATION AND DOCUMENTS. HOWEVER, THE COMMITTEE HAS ALWAYS LEFT IT UP TO THE MEMBER GOVERNMENTS TO DETERMINE ON THEIR OWN HOW THEY WOULD CONTROL COCOM DOCUMENTS, INCLUDING SUCH QUESTIONS AS WHO WOULD BE GIVEN ACCESS. ASKING THE COMMITTEE AT THIS TIME TO AUTHORIZE THE GAO TO HAVE ACCESS TO COCOM WOULD SUGGEST THAT THE USG CONFIDENTIAL

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BELIEVES THAT COCOM IN FACT HAS AUTHORITY TO DETERMINE TO WHOM THE MEMBERS CAN PROVIDE COCOM DOCUMENTS FOR ON A CONFIDENTIAL BASIS. IT IS CLEARLY NOT IN THE US INTEREST TO ENCOURAGE A STRENGTHENING OF THE COMMITTEE'S ROLE IN THIS AREA. FOR ONE THING ANY TREND IN THIS DIRECTION MIGHT MAKE IT MORE DIFFICULT FOR THE USG TO DEAL INDEPENDENTLY WITH INTERNAL MATTERS SUCH AS THE REQUEST SEVERAL MONTHS AGO FOR CONGRESSIONAL STAFF AIDES TO PARTICIPATE IN A COCOM MEETING. THE DEPARTMENT WILL RECALL THAT AT THAT TIME NEITHER THE USG NOR ANY OF THE OTHER MEMBERS FELT IT WAS NECESSARY TO OBTAIN THE COMMITTEE'S AUTHORITY TO INCLUDE THESE STAFF AIDES ON THE US DELEGATION, AND THUS PROVIDE THEM WITH ACCESS TO COCOM INFORMATION AND DOCUMENTS ON A CONFIDENTIAL BASIS.
SALZMAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AUDITS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARIS09995
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Expiration:
Film Number: D780128-0858
Format: TEL
From: PARIS USOECD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780332/aaaabasn.tel
Line Count: 110
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a1bad7be-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 66447
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3225233
Secure: OPEN
Status: NATIVE
Subject: GAO COCOM REVIEW
TAGS: ESTC, AINF, AGAO, COCOM
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/a1bad7be-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014